

PRESS RELEASE

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CONYERS SAYS FOOD CONSUMPTION BILL IS A MATTER FOR THE COURTS NOT CONGRESS

Congressman John Conyers, Jr. issued the following statement at today's Judiciary Committee Markup on H.R. 339, the "Personal Responsibility in Food Consumption Act":

"I rise in strong opposition to this legislation which is very premature in its inception. Although headlines of obesity lawsuits have been splashed across the newspapers as plaguing our legal system, very few if any suits are successful. Even those states that have passed "obesity legislation" have recognized that no such cases have come before the state court system. If there are no such lawsuits, there is clearly no need for congressional intervention.

While the bill rightly states that people should maintain personal responsibility for their own choices, this legislation is a platform for tort reform that is inconsistent with our Constitutional system of federalism and recent Supreme Court decisions interpreting the Congressional power to legislate under the Commerce Clause. This is an issue that is traditionally left to the states and does not require Congressional involvement.

In addition, this legislation is full of loopholes. For instance, although the legislation cites an exception to the legislation if a manufacturer or seller "willing or knowingly" violates FDA standards, there is no exception for instances in which negligence is involved. Clearly if a seller or manufacturer could have or should have known their behavior could cause harm, they should be held liable.

Finally, the section of the legislation which authorizes the dismissal of pending actions is absolutely against good public policy. Again we should not interfere in the judicial system. The courts are constantly monitoring filing and handling the suits according. We have a long tradition in this Congress of making sure that our bills do not impact pending cases. Why? Because retroactivity generally disrupts cases and adds years of additional litigation. It is the same thing as changing the rules in the middle of the game to benefit one side.

I urge my colleagues to vote no regarding this legislation. This is a matter for the courts and not for the Congress."

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